

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Patent Application of)
Kouji INOUE et al.) Group Art Unit: 2879
Serial No. 09/939,772) Examiner: K.J. Quarterman
Filed: August 28, 2001) Conf. No. 3168
Title: ELECTRON-EMITTING DEVICE, COLD)
CATHODE FIELD EMISSION DEVICE)
AND METHOD FOR PRODUCTION)
THEREOF, AND COLD CATHODE FIELD)
EMISSION DISPLAY AND METHOD FOR)
PRODUCTION THEREOF)

RESPONSE TO ELECTION OF INVENTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in full and timely response to the election of invention requirement in the Action of November 3, 2003, for which a month was allotted for reply. The Applicant, through its representatives and attorneys, hereby provisionally elects with traverse the invention of Group I, having claims 1-12 and 40-48, drawn to electron-emitting devices classified in class 313, subclass 309. Please hold claims 13-39 and 49-50, drawn to methods for producing cold cathode field emission devices, classified in class 445, subclass 24 in abeyance pending reconsideration of the election requirement and this request for rejoinder.

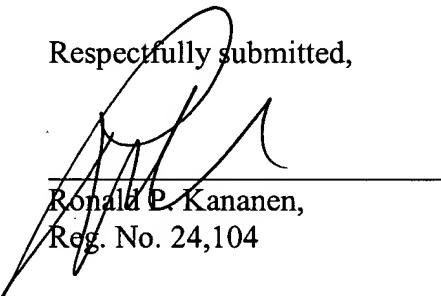
RECEIVED
TECHNOLOGY CENTER 2800
NOV 25 2003

A reason for the traverse is under MPEP 821.04. Where product and process claims drawn to independent and distinct inventions are presented in the same application, applicant may be called upon to elect claims to either the product or the apparatus. If the applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitation of the allowable product claim will be rejoined. By this response, the applicant has thus preserved its right to rejoinder under the conditions there stated.

Reexamination of the requirement is specifically requested, and early examination on the merits of the application is respectfully requested.

Date: November 19, 2003

Respectfully submitted,


Ronald P. Kananen,
Reg. No. 24,104

RADER, FISHMAN & GRAUER, PLLC
THE LION BUILDING
1233 20TH STREET, N.W., SUITE 501
WASHINGTON, D.C. 20036
TEL: (202) 955-3750
FAX: (202) 955-3751
Customer No. 23353